



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,148	04/10/2002	Hiroshi Ono	01764/LH	7036
1933	7590	11/26/2003	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			BENENSON, BORIS	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2836	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,148

Applicant(s)

ONO ET AL.

Examiner

Boris Benenson

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

1. The disclosure is objected to because of the following informalities: Disclosure describes the elements of the invention with references "as described in Claim ...". Claim numbers are subject to change and therefore should be removed from the disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by May (5,003,278). May disclose a high frequency noise suppressor assembly (read on current suppressor). The assembly includes a flexible nylon case (Fig 3, Pos 40) capable of being attached to a cable comprising a first half (50) and a second half (52) connected by two flexible hinges (Fig 3, Pos 48). The case (40) comprises a break, which elongates over all length in axial direction of the cable. The suppressor comprises

Art Unit: 2836

of two layers a high frequency suppressing layer (Fig. 2, Pos. 12,14) and an outer layer (20,22).

3. Claim 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Osada et al. (5,703,557). Osada et al. disclose a noise-absorbing device. The device comprises a flexible member (Fig. 1, Pos. 10) capable of being attached to a cable. A flexible core holder comprises a break, which elongates over all length along an axial direction of a cable. The device comprises at least two layers, which consist of high-frequency suppressing layer (Fig. 2, Pos. 20). The holder (10) is made of insulating resin.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada et al. (5,703,557) in view of Uchida et al. (6,143,406). Osada et al. disclose a noise-absorbing device including all the limitations of Claims 1-4, as it was discussed

Art Unit: 2836

above. Osada et al. did not disclose a type of magnetic materials to be used in the device. Uchida et al. teach a magnetic composite tape for inhibiting radiation noise and radiation noise inhibiting component using same. Uchida et al. teach use of a "material which may be made of at least any one of copper, nickel, or aluminum, for example, as a component". Uchida et al. teach also use of materials comprising "a rubber or a flexible resin and ferrite magnetic powders". It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the noise-absorbing device of Osada et al. with teachings of Uchida et al. , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

5. Claims 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (JP2000-312253) in view of Osada et al. (5,703,557) and further view of Uchida et al.

(6,143,406). Ogawa et al. disclose an earphone cord device to be connected to an output terminal (9) of a PHS or a cellular telephone. The device comprises an earphone (4), a microphone (5) connection cord (3), a plug (2) and a noise filter (6) attached in the vicinity or the inside of the connection plug

Art Unit: 2836

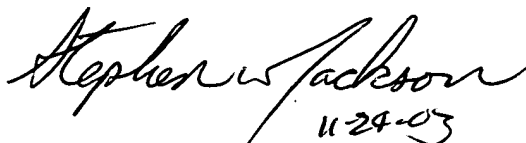
(2). Ogawa disclose also that the filter can be placed near or inside the microphone. Ogawa et al. does not disclose high-frequency filter consisting of soft magnetic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the noise-absorbing device of Osada et al. modified by teachings of Uchida et al., because it will suppress the noise in desired frequency range.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (703) 305-6917. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-3906.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



11-24-03

STEPHEN W. JACKSON
PRIMARY EXAMINER

Boris Benenson
Examiner
Art Unit 2836

Application/Control Number: 10/018,148

Page 6

Art Unit: 2836

B.B.